

## Message Text

SECRET

PAGE 01 STATE 091103  
ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY NEA/MDRAPER:L:JMICHAE/L:HLK  
APPROVED BY TH CRETARY  
NEA - MR. ATHERTON  
L - MR. HANSELL  
P - MR. NEWSOM (INFORMED)  
S/S-0 :JETHYDEN

-----065289 090111Z /64

O 090054Z APR 78 ZFF6  
FM SECSTATE WASHDC  
TO AMEMBASSY TEL AVIV IMMEDIATE  
INFO WHITE HOUSE IMMEDIATE 0000

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NODIS

E.O. 11652: XGDS-1, 2

TAGS: MASS, MOPS, IS, LE, US

SUBJECT: CLUSTER BOMB UNITS (CBU'S): RESTRICTIONS ON USE

REF: STATE 90980

1. YOU SHOULD SEEK WRITTEN REAFFIRMATION FROM ISRAEL OF THE TEXT OF THE 1976 DINITZ/MCAULIFFE LETTER IN THE FORM OF A FORMAL EXCHANGE OF NOTES AS EARLY AS POSSIBLE. FYI: AS YOU WILL RECOGNIZE FROM PRESS GUIDANCE BEING SUPPLIED YOU BY SEPTEL, WE DO NOT REPEAT NOT INTEND TO PROVIDE CONGRESS WITH A SEPARATE NOTIFICATION THAT A VIOLATION OF THE 1976 ASSURANCES "MAY HAVE OCCURRED." WE BELIEVE THE REPORT ALREADY FILED IS SUFFICIENT TO COVER THE 1952

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AGREEMENT AND THE 1976 ASSURANCES. THE EXCHANGE OF NOTES WILL ASSIST US IN DEALING WITH THIS PROBLEM, IN PART BECAUSE IT WILL INCORPORATE AN EXPLICIT REFERENCE TO OUR BASIC 1952 AGREEMENT. THE EXCHANGE OF NOTES WILL BE PROVIDED TO CONGRESS IN ACCORD WITH THE CASE ACT. END FYI.

2. SINCE THIS IS SO CLEARLY IN ISRAEL'S INTEREST, WE TRUST

THAT AN EXCHANGE OF NOTES CAN BE COMPLETED AS EARLY AS POSSIBLE.

3. FOLLOWING IS THE TEXT OF THE DIPLOMATIC NOTE  
CLASSIFIED SECRET YOU SHOULD PRESENT TO THE ISRAELIS:

BEGIN TEXT:

EXCELLENCY:

I HAVE THE HONOR TO REFER TO OUR RECENT DISCUSSIONS REGARDING THE ASSURANCES GIVEN BY THE GOVERNMENT OF ISRAEL ON DECEMBER 16, 1976, REGARDING STIPULATIONS AND CONDITIONS WITH RESPECT TO CLUSTER BOMB UNITS (CBU'S) AND LASER-GUIDED BOMB (LGB) UNITS FURNISHED TO THE GOVERNMENT OF ISRAEL BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA. THESE ASSURANCES, UNDERTAKEN IN IMPLEMENTATION OF THE MUTUAL DEFENSE ASSISTANCE AGREEMENT EFFECTED BY AN EXCHANGE OF NOTES SIGNED AT TEL AVIV JULY 1 AND 23, 1952, PROVIDED AS FOLLOWS:

"1. CBU'S

"A) THESE WEAPONS WILL BE USED ONLY IF ISRAEL IS ENGAGED IN ACTIVE GENERAL HOSTILITIES WITH THE REGULAR ARMED FORCES OF ONE OR MORE ARAB STATES AT A LEVEL OF  
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ARMED CONFLICT ON THE SCALE EXPERIENCED DURING JUNE 1967 AND OCTOBER 1973. (TRAINING WITHIN ISRAELI TERRITORY IS EXEMPTED FROM THIS PROVISION.)

"B) THESE WEAPONS WILL BE USED ONLY AGAINST CLEARLY DEFINED MILITARY TARGETS, AND THEY WILL NOT BE USED AGAINST TARGETS LOCATED IN, OR IN CLOSE PROXIMITY TO, CIVILIAN POPULATION CENTERS.

"C) THESE CONDITIONS ARE TO BE APPLIED TO ALL CBU'S SOLD BY THE UNITED STATES PURSUANT TO THE APPROVED LIST OF EQUIPMENT PROVIDED TO THE GOI IN JANUARY 1976, AS WELL AS TO THOSE PREVIOUSLY SOLD, THOSE WHICH MAY BE SOLD IN THE FUTURE, AND THOSE WHICH MAY BE PRODUCED IN ISRAEL UTILIZING, DIRECTLY OR INDIRECTLY, U.S. COMPONENTS OR TECHNOLOGY.

"2. LGB'S

"A) THESE WEAPONS WILL BE USED ONLY IF ISRAEL IS ENGAGED IN ACTIVE GENERAL HOSTILITIES WITH THE REGULAR ARMED

FORCES OF ONE OR MORE ARAB STATES AT A LEVEL OF ARMED CONFLICT ON THE SCALE EXPERIENCED DURING 1967 AND OCTOBER 1973. (TRAINING WITHIN ISRAELI TERRITORY IS EXEMPTED FROM THIS PROVISION.)

"B) THESE WEAPONS WILL BE USED ONLY AGAINST CLEARLY DEFINED MILITARY TARGETS.

"C) THESE CONDITIONS ARE TO BE APPLIED TO ALL LASER GUIDED BOMB SYSTEMS SOLD BY THE UNITED STATES PURSUANT TO THE APPROVED LIST PROVIDED TO THE GOI IN JANUARY 1976 AS WELL AS THOSE WHICH MAY BE SOLD IN THE FUTURE, AND THOSE WHICH MAY BE PRODUCED IN ISRAEL UTILIZING, DIRECTLY OR INDIRECTLY, U.S.

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COMPONENTS OR TECHNOLOGY."

IT IS THE UNDERSTANDING OF THE UNITED STATES GOVERNMENT THAT THE GOVERNMENT OF ISRAEL IS PREPARED TO CONFIRM THESE ASSURANCES AS SUPPLEMENTARY UNDERTAKINGS IN IMPLEMENTATION OF THE AFOREMENTIONED MUTUAL DEFENSE ASSISTANCE AGREEMENT. ACCORDINGLY, I HAVE THE HONOR TO PROPOSE THAT THIS NOTE, TOGETHER WITH YOUR EXCELLENCY'S REPLY EXPRESSING SUCH CONFIRMATION, SHALL CONSTITUTE AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ISRAEL, EFFECTIVE ON THE DATE OF YOUR NOTE AND APPLICABLE TO CBU'S, LGB'S AND RELATED COMPONENTS AND TECHNOLOGY PREVIOUSLY OR HEREAFTER FURNISHED AS STATED IN THE ABOVE-QUOTED ASSURANCES OF DECEMBER 16, 1976.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION.  
END TEXT.

4. ISRAELI RESPONSE SHOULD BE AN UNQUALIFIED CONFIRMATION OF THE U.S. NOTE AND SHOULD NOT LIMIT THE ASSURANCES CONTAINED THEREIN IN ANY WAY. IF YOU WOULD PREFER TO GIVE ISRAELIS PREFERRED TEXT, WE WILL FURNISH ONE IMMEDIATELY. VANCE

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NNN



## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INSTRUCTIONS, MILITARY EQUIPMENT, DIPLOMATIC NOTES, MILITARY AGREEMENTS, CBU, CAT-B  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 apr 1978  
**Decapton Date:** 01 jan 1960  
**Decapton Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
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**Disposition Date:** 20 Mar 2014  
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**Enclosure:** DC IS ALSO X2  
**Executive Order:** X1  
**Errors:** N/A  
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**Original Classification:** SECRET  
**Original Handling Restrictions:** n/a  
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**Review Release Event:** n/a  
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**Secure:** OPEN  
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**TAGS:** MASS, MOPS, IS, LE, US  
**To:** TEL AVIV WHITE HOUSE  
**Type:** TE  
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**Review Markings:**  
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